

FILED
CLERK

11:20 am, Nov 14, 2018

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

-----X
EDWARD KRANEPOOL,

Plaintiff,

-against-

BECKETT AUCTIONS, LLC d/b/a GOODWIN
& CO.,

Defendant.

-----X

**MEMORANDUM OF
DECISION & ORDER**
2:18-cv-3724 (ADS)(AKT)

APPEARANCES:

Harfenist Kraut & Perlstein, LLP

Counsel for the Plaintiff

3000 Marcus Avenue

Lake Success, NY 11042

By: Steven J. Harfenist, Esq., Of Counsel

Law Offices of Charles A. Gruen

Co-Counsel for the Defendants

7703 Fifth Avenue

Brooklyn, NY 11209

By: Charles A. Gruen, Esq., Of Counsel

Condon Tobin Sladek Thornton, PLLC

Co-Counsel for the Defendants

8080 Park Lane, Suite 700

Dallas, TX 75231

By: Kendal B. Reed, Esq., Of Counsel

SPATT, District Judge.

The Court assumes the parties' familiarity with the facts and procedural history of this action. Additional detail that is relevant to the instant motions is provided below. Presently before

the Court is a motion by the Defendant, pursuant to Federal Rule of Civil Procedure (“FED. R. CIV. P.” or “Rule”) 12(b)(6) to dismiss the Plaintiff’s entire complaint and a cross-motion by the Plaintiff, pursuant to Rule 15(a) to amend the complaint. The proposed amended complaint contains additional causes of action that are not addressed in the Defendant’s motion to dismiss. The Defendant has indicated that it does not oppose the Plaintiff’s motion to amend and prefers to re-file its motion to dismiss in response to the proposed amended complaint. Accordingly, it is hereby

ORDERED that the Plaintiff’s motion to amend the complaint is granted; and it is further

ORDERED that the Plaintiff file his proposed amended complaint within five (5) days of this Order; and it is further

ORDERED that the Defendant’s motion to dismiss is terminated as moot; and it is further

ORDERED that the Defendant respond to the Plaintiff’s amended complaint within twenty-eight (28) days of its filing.

SO ORDERED

Dated: Central Islip, New York
November 14, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge